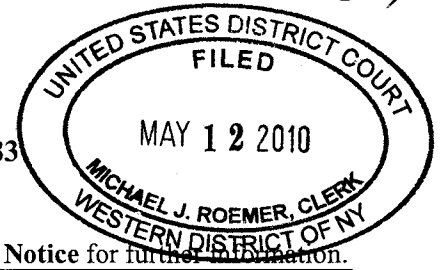


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Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORKFORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, *each* plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. DANA P BROWN

2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. KEVIN BRUN4. JASON ZIOIKOWSKI2. LAWRENCE HALE5. JOSEPH JANKOWSKI3. ROBERT BRUMSTEAD6. CHRISTOPHER FITCHSEPERATE SHEET OTHER 10 DEFENDANTS**2. STATEMENT OF JURISDICTION**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: DANA P BROWN 08B3561Present Place of Confinement & Address: CLINTON CORRECTIONAL FACILITY
P.O. Box 2001 ROUTE 374 COOK ST
DANEMORA NY. 12929

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANTS CONTINUED

7. TIMOTHY EBERTH C.O.
8. EDWARD NOWAK C.O.
9. CRAIG YALKEREN C.O.
10. STEAVE GOLAB C.O.
11. RICHARD HATCHOW C.O.
12. DOUGLAS NOLAN C.O.
13. CRAIG OLSZEWSKI C.O.
14. STEAVE KUTAWSKI C.O. *
15. RICHARD PISTNER C.O.
16. THOMAS JUDASZ C.O.
17. SUPERINTENDENT CONWAY
18. COMMISSIONER FISCHER
19. LT MURRAY ~~VERBRANDEN~~

ALL DEFENDANTS EXCEPT COMMISSIONER FISCHER CAN BE SERVED AT ATTICA CORRECTIONAL FACILITY LOCATED AT ATTICA NY. EXCHANGE ST, COMMISSIONER FISCHER IS LOCATED ALBANY NY ~~EMPIRE STATE CAMPUS~~ ~~THE~~ THE WATTIMAN STATE CAMPUS BUILDING #2 ALBANY NY. 12226.

PLAINTIFF WILL NEED PICTURES TO I.D. OFFICER WHO PLACED BATON AGAINST ANUS SEXUALLY LAST NAME ENDED SKI
 SO I 1 STEAVE KUTAWSKI
 2 JOSEPH JANKOWSKI
 3 JASON ZPOIKOWSKI
 ONE OF THESE 3 NEED PHOTOS OF THEM

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include **all** possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far a practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to **42 U.S.C. § 1997e(a)**, "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: LAWRENCE HALE

(If applicable) Official Position of Defendant: CONNECTION OFFICER

(If applicable) Defendant is Sued in ✓ Individual and/or Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA NY. 14011 EXCHANGE ST

Name of Defendant: KEVIN BROWN

(If applicable) Official Position of Defendant: CONNECTION OFFICER

(If applicable) Defendant is Sued in ✓ Individual and/or Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA NY. 14011 EXCHANGE ST

Name of Defendant: ROBERT BRUMSTEAD

(If applicable) Official Position of Defendant: CONNECTION OFFICER

(If applicable) Defendant is Sued in ✓ Individual and/or Official Capacity

Address of Defendant: ATTICA CORRECTIONAL FACILITY
ATTICA NY. 14011 EXCHANGE ST

ALL NAMED CONNECTION OFFICERS AT ATTICA.

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ✓ No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:
Plaintiff(s): DANA BROWN
Defendant(s): STATE OF NEW YORK INTENTIONAL TORT DOCS
2. Court (if federal court, name the district; if state court, name the county): COURT OF CLAIMS
ALBANY NY. 12224
3. Docket or Index Number: 117855
4. Name of Judge to whom case was assigned: UNASSIGNED

5. The approximate date the action was filed: 12-29-09

6. What was the disposition of the case?

Is it still pending? Yes ☒ No ☐

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to exhaust administrative remedies;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☐ plaintiff

☐ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ☐ No ☒

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. _____

STAFFE KUSAWSKI
(OR) SEXUAL ACT**A. FIRST CLAIM:** On (date of the incident) OCTOBER 1ST 2009defendant (give the name and position held of each defendant involved in this incident) LAWRENCE HALE
ROBERT BRUMSTEAD KEVIN BRUN JASON ZIOIKOWSKI
JOSEPH JANKOWSKI, CHRISTOPHER FITCH TIMOTHY EBERTHdid the following to me (briefly state what each defendant named above did): OFFICERS STRUCK THE
PLAINTIFF IN THE FACE KNOCKING HIM TO THE FLOOR
KICKING PUNCHING HIM BASHING FACE ON THE GROUND
PULLING HAIR OUT OF HIS HEAD. EITHER JASON ZIOI-
KOWSKI OR JOSEPH JANKOWSKI PULLED PLAINTIFF
PANTS DOWN PLACING BATON ON HIS ANUS AND
THREATENED TO FUCK HIM. A FALSE REPORT WRITTEN
BY LAWRENCE HALE INMATE IN SHU 9 MONTHS.The constitutional basis for this claim under 42 U.S.C. § 1983 is: CRUEL & UNUSUAL PUNISH-
MENT EXCESSIVE FORCE SEXUAL ASSAULT.The relief I am seeking for this claim is (briefly state the relief sought): MONEY DAMAGES LIE DETECT
OR TEST FOR CORRECTION OFFICERS CAMERAS PLACED IN ALL
AREAS IN ATTICA FILE OFFICERS DIRECTLY INVOLVED SUSPENSION
OF THE TEST 1 YEAR NO PAY.**Exhaustion of Your Administrative Remedies for this Claim:**Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? NEGATIVE
CLAIMS OF WRONG DOING BY STAFFDid you appeal that decision? ☒ Yes ☐ No If yes, what was the result? LONG PS
IN AGREEMENT WITH D.O.C.S A-56006-09 GRIEVANCE NO.

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: DID EXHAUST TRANSFER
BY D.O.C.S LOST PAPERS AM OBTAINING COPIES THROUGH
DISCOVERY.**A. SECOND CLAIM:** On (date of the incident) OCT 20TH 2009defendant (give the name and position held of each defendant involved in this incident) SUPERINTENDENT
CONWAY, COMMISSIONER FISCHER, LT MUMFAY

DUE PROCESS VIOLATIONS

did the following to me (briefly state what each defendant named above did): A Tier III HEARING WAS COMPLETED IN VIOLATION OF DUE PROCESS & THE OVERWHELMING EVIDENCE THAT OFFICERS DID ASSAULT INMATE & FABRICATED MISBEHAVIOR REPORT AND USED CONFLICTING TESTIMONY & WRONG DOCUMENTS ALL CLAIMING DIFFERENT STORIES & SOMEONE ELSE ID NUMBER IN BODY OF REPORT. LT MUMFAY SUPT CONWAY & COMMISSIONER FISCHER UPHOLD HEARING

The constitutional basis for this claim under 42 U.S.C. § 1983 is: CONSTITUTIONAL VIOLATION OF DUE PROCESS AND EXCESSIVE FORCE & SEXUAL ASSAULT.

The relief I am seeking for this claim is (briefly state the relief sought): MONEY DAMAGES, CAMERAS INSTALLED THROUGHOUT ATTICA TO FIVE OFFICERS INVOLVED IN ASSAULT DIRECTLY, SUSPENSION OF BYSTANDERS.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? AFFIRMED
DECEMBER 2 2009

Did you appeal that decision? ☐ Yes ☐ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

12.5 million FOR EXCESSIVE FORCE SEXUAL ASSAULT MENTAL ANGUISH. THE FIRING OF OFFICERS DIRECTLY INVOLVED & SUSPENSION OF BYSTANDERS 1 YEAR CAMERAS PLACED THROUGHOUT ATTICA ORDER OF PROTECTION FOR PLAINTIFF.

Do you want a jury trial? Yes ☐ No ☒

DUE PROCESS VIOLATION BY PLACING INMATE IN SEGREGATION S.H.U

* PERMANENT RIGHT EYE DAMAGE DUE TO 10-1-09 BLUNT TRAUMA TO EYE SEEN 2-11-10 CLINTON BY EYE SPECIALIST.

BEING TREATED POST TRAUMATIC STRESS DISORDER MENTAL HEALTH

I declare under penalty of perjury that the foregoing is true and correct.

Executed on JANUARY 10TH 2010
(date)

NOTE: *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

Paul Bruce

Signature(s) of Plaintiff(s)